

Informal Working Paper No. 10/Rev.2
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ORIGINAL: ENGLISH

SECOND COMMITTEE

Formulation of main trends.

INTRODUCTION

The sole purpose of this informal working paper is to reflect in generally acceptable formulations the main trends which have emerged from the proposals submitted either to the United Nations Sea-Bed Committee or to the Conference itself.

The fact of including these formulations does not imply any opinion on the degree of support they have commanded either in the preparatory stage or in the proceedings of the current session of the Conference. It does not imply either that all the proposals from which these formulations have been taken have been the subject of discussion. The inclusion of a provision in this paper, whether or not only one formula appears, does not necessarily imply that there are no other opinions concerning these questions or that all or most delegations agree on the necessity for such a provision.

All the proposals submitted to the United Nations Sea-Bed Committee and to the Conference are maintained and may be considered by this Committee at any time. Thus, the preparation of this document and its acceptance by the Committee as a working paper in no way signifies that these proposals have been withdrawn. There is no question of taking any decisions at the present stage, in accordance with the method of work adopted by the Committee at its meeting on 3 July, once this task has been carried out, the item will be "frozen" and the Committee will pass on to the next item. No decision has to be taken until all the closely interrelated items have been thoroughly discussed.

Since the purpose of this paper is to focus the discussion of each of the items on the fundamental issues, leaving until later the consideration of supplementary rules and drafting points, the paper does not include all the proposals appearing in volume III of the report of the Sea-Bed Committee or all the variants, many of which reflect only drafting changes, appearing in volume IV of the same report.

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Item 10: Rights and interests of shelf-locked States and States with narrow shelves or short coastlines

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Item 10: Rights and interests of shelf-locked States and States with narrow shelves or short coastlines

Definitions

PROVISION I

Formula A

For the purposes of these articles:

"geographically disadvantaged States" means developing States which are ... or for geographical, biological or ecological reasons:

- (i) derive no substantial economic advantage from establishing an economic zone or patrimonial sea, or a territorial sea beyond 12 miles; or
- (ii) are adversely affected in their economies by the establishment of economic zones or patrimonial seas or territorial seas beyond 12 miles by other States; or
- (iii) have short coastlines and cannot extend uniformly their national jurisdiction.

Formula B

"Geographically disadvantaged States" means land-locked States and coastal States which, for geographical reasons, are unable to declare a ... zone pursuant to ... , or do not declare such a ... zone because it would not be economically meaningful; .

PROVISION II

"Neighbouring coastal State" means a coastal State of a region situated within reasonable proximity to a disadvantaged State."

10.1 International régime

10.2 Fisheries

PROVISION III

Formula A

... geographically disadvantaged States shall have the right to participate in the exploration and exploitation of the living resources of the ... zone of neighbouring coastal States on an equal and non-discriminatory basis. For the purpose of facilitating the orderly development and the rational exploitation of the living resources of the particular zones, the States concerned may decide upon appropriate arrangements to regulate the exploitation of the resources in those zones.

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Formula B

... geographically disadvantaged States shall have the right to explore and exploit the living resources of the exclusive economic zones of neighbouring coastal States, subject to appropriate bilateral or regional arrangements or agreements with such coastal States.

Formula C

In any region where there are geographically disadvantaged States, the nationals of such States shall have the right to exploit the renewable resources within the economic zones or patrimonial seas or territorial seas beyond 12 miles of the region for the purpose of fostering the development of their fishing industry and satisfying the nutritional needs of such populations.

The States of the region shall co-operate to the fullest extent in order to secure the enjoyment of this right.

Formula D

In regions or subregions in which certain coastal States, owing to geographical or ecological factors, are unable, before all their coastlines, to extend the limits of their sovereignty and jurisdiction up to distances equal to those adopted by other coastal States in the same region or subregion, the former States shall enjoy, in the seas of the latter States, a preferential régime vis-à-vis third States in matters relating to the exploitation of renewable resources, the régime to be determined by regional, subregional or bilateral agreements taking into account the interests of the respective States.

PROVISION IV

... other geographically disadvantaged States shall not transfer their rights under articles ... to third States, except when otherwise agreed upon by the States concerned.

PROVISION V

The provisions of provision IV shall, however, not preclude ... geographically disadvantaged States from obtaining technical or financial assistance from third States, or appropriate international organizations, for the purpose of enabling them to develop viable industries of their own.

- 10.3 Special interests and needs of developing shelf-locked States and States with narrow shelves or short coastlines

Same as Provision VII, Formula D, paragraph 2 of Informal Working Paper No. 4/Rev.2.

- 10.4 Free access to and from the high seas